

**IN THE UNITED STATES DISTRICT COURT  
THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

MARCELA GUADALUPE LEAL

\*

v.

\*

CIVIL ACTION NO: \_\_\_\_\_

Anthony J. Blinken, Secretary UNITED  
STATES DEPARTMENT OF STATE

\*

**FEDERAL DECLARATORY RELIEF COMPLAINT**

COMES, MARCELA GUADALUPE LEAL, complainant herein and files this her original complaint against the UNITED STATES DEPARTMENT OF STATE (herein also “the Department) under 8 U.S.C. 1503(a); 5 U.S.C. Section 704 and the Declaratory Judgment Act would show this Honorable Court the following:

**PARTIES**

- 1) MARCELA GUADALUPE LEAL is a real person and the complainant in the suit who resides in Hidalgo County, McAllen, Texas and would not require service at this time.
- 2) Anthony J. Blinken as Secretary of the United States and the UNITED STATES DEPARTMENT OF STATE who is not a real person but a political subdivision of the United States of America and may be served by service on any agent, officer, and designee for service of process at 44132 Mercure Circle, Sterling, Virginia 20166-1080 or wherever such agent, officer or designee may be found.

**JURISDICTION AND VENUE**

- 3) Jurisdiction is proper in this Court under, 8 U.S.C. Section 1503(a); 5 U.S.C. Section 704 as the issue presented here is a federal question as defined by "28 U.S.C. § 1331..."

*Goffney v. Bank of Am., N.A.*, 897 F.Supp.2d 520 (S.D. Tex. 2012) and a remedy is provided under 28 U.S.C. Section 2201.

- 4) Venue is proper in the McAllen Division for the Southern District of Texas in that MARCELA GUADALUPE LEAL resides in McAllen, Texas as provided for under 8 U.S.C. Section 1503.

### **BACKGROUND**

- 5) MARCELA GUADALUPE LEAL was born December 30, 2002, in Mission, Hidalgo County, Texas. (see attached Exhibit A being the Certificate of Birth of Marcela Guadalupe Leal including her issued social security card)
- 6) MARCELA GUADALUPE LEAL's birth was a well-documented medical event. (see attached Exhibit B being the Birth Records of Marcela Guadalupe Leal along with certified translations from Spanish to English)
- 7) MARCELA GUADALUPE LEAL also has a vaccination record documenting her presence in the United States (see Exhibit C being the vaccination documents of Marcela Guadalupe Leal)
- 8) MARCELA GUADALUPE LEAL is a citizen and national of the United States of America.
- 9) Ms. GARZA has lived in the United States as citizen and has resided also outside the continental United States.
- 10) On or about August 28, 2007 and May 20, 2013 MARCELA GUADALUPE LEAL applied and obtained a United State passports based on her United States citizenship. (see attached Exhibits D and E being United States Passports granted to Marcela Guadalupe Leal in 2007 and 2013 respectively)

- 11) Subsequently after applying for another United States passport on May 1, 2018 on or about June 10, 2019, MARCELA GUADALUPE LEAL was denied a U.S. passport. (see attached Exhibit F being the denial letter from the Department)
- 12) The UNITED STATES DEPARTMENT OF STATE denial of her passport application on May 1, 2018 was the final administrative action taken by the Department in the instant case.
- 13) As a result, MARCELA GUADALUPE LEAL has been deprived of her citizenship rights and such deprivation of rights is actionable under 8 U.S.C. Section 1503(a) and 5 U.S.C. Section 704.

**8 U.S.C. Section 1503(a)**

- 14) MARCELA GUADALUPE LEAL has standing as a United States citizen to bring the foregoing cause of action as provided under 8 U.S.C. Section 1503(a).
- 15) On or about May 1, 2018, Ms. LEAL presented her full claim of citizenship to the UNITED STATES DEPARTMENT OF STATE.
- 16) On June 10, 2019, the application was wrongfully denied, and MARCELA GUADALUPE LEAL was denied a benefit and right of her United States citizenship namely the issuance of her United States Passport.
- 17) Five years have not passed since the denial of MARCELA GUADALUPE LEAL's passport.
- 18) Under Title 28 U.S.C. Section 2201 MARCELA GUADALUPE LEAL seeks a judicial declaration of her citizenship.

**5 U.S.C. Section 704**

19) MARCELA GUADALUPE LEAL has standing as a United States citizen to bring the forgoing action under 5 U.S.C Section 704 as she complains of the last administrative action of the UNITED STATES DEPARTMENT OF STATE.

20) The UNITED STATES DEPARTMENT OF STATE took its last administrative action against MARCELA GUADALUPE LEAL on or about June 10, 2019 denying her passport application.

21) The agency action taken on June 10, 2019 was the final administrative action as defined under 5 U.S.C. Section 704.

22) Should the court find that there are no other adequate remedies for judicial review the complainant pleads the 5 U.S.C. Section 704 action in the alternative.

#### **PRAYER**

WHEREFORE the complainant MARCELA GUADALUPE LEAL seeks a judicial declaration as provided for and pled herein and moves for any other equitable relief the Court in its jurisdiction may confer upon her.

Respectfully Submitted,

/s/ Fabian Guerrero

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